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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,133	06/29/2005	Aloys Wobben	970054.481USPC	6853
500	7590	11/14/2006	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			WIEHE, NATHANIEL EDWARD	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,133	<b>Applicant(s)</b> WOBBEN, ALOYS	
	<b>Examiner</b> Nathan Wiehe	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06292005; 10302006</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 29 June 2005 and 30 October 2006 are noted. The submissions are in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotary mechanism drive (Claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5-7,12,13 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Almind (2003/0175089). Almind discloses a container (100) for handling rotor blades (64) of a wind power installation the container constitutes the rotor blade receiving means and includes a carrier frame (102,104,56,120) that encloses the blade about four sides. Almind also discloses a locking member (78) pivotally mounted, through the use of cylinder (86), at one side of the rotor blade receiving means (See [0052] and [0054]). The rotor blade is received in the rotor blade receiving means in a complementary locking relationship at least due to the securing structures 78 and 98. Further, the pivotably mounted locking member (78) constitutes a carrier plate releasably fixed to a perpendicularly extending carrier bar (one frame member 102 of the container). The container of Almind is rigid and inherently includes container

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corners positioned the bottom side of the container. Almind also disclose the method of securing a rotor blade including the steps of placing the blade into the carrier element described above which inherently protects the blade from damage and reduces wind effects due to the container's construction. Almind also discloses the steps of moving the carrier element toward a wind power installation and opening the cattier element to release the rotor blade (See [0057]-[0058]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almind (2003/0175089) in view of Rubio (6,276,888). Almind discloses the invention substantially as claimed except for the use of a ball rotary joint on the carrier element. Rubio disclose a carrier element (4) including a ball rotary joint (16) providing for increased maneuverability and rotation about the axis of the joint while the carrier element is being hoisted. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the carrier element of Almind by including a ball rotary joint as taught by Rubio for the purpose of increasing maneuverability of the container.

Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almind (2003/0175089) in view of Saia et al. (5,953,928), hereinafter "Saia". Almind

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discloses the invention substantially as claimed except for the use of a plurality of eyes spaced along the carrier element. Saia discloses a container including a plurality of eyes (34). The eyes are utilized as connection points for a crane and enable the container to be lifted while sustaining balanced loading on the crane (Saia column 3, lines 7-13). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the carrier element of Almind by including a plurality of eyes for the purpose of providing a connection point to a crane that sufficiently balanced the loading on the crane.

In regard to claim 22, the eyes of Saia constitute an attachment means as claimed.

Claims 8-11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almind (2003/0175089) in view of Holte et al. (5,397,000), hereinafter "Holte". Almind discloses the invention substantially as claimed except for the use of a plurality of cushions. Holte discloses a storage container (20) including an inflatable cushion (42) having a valve (44) for inflating the cushion. The cushion is provided to retain articles within a container (Holte column 1, lines 56-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container of Almind by including a cushion as taught by Holte for the purpose of retaining the blade within the container. The court decision of, *In re Harza*, 274 F.2d 669, 104 USPQ 378 (CCPA 160), established the legal precedent that "mere duplication of parts has no patentable significance unless a new and unexpected result is produced." Since the specification is silent as to any additional benefit of multiple cushions as claimed, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a plurality of cushions in the manner as claimed as an obvious duplication of parts in order to better conform to the shape of the blade.

***Allowable Subject Matter***

Claims 3 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent issued to O'Kane et al. discloses a wind turbine blade transportation container.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Wiehe whose telephone number is (571)272-8648. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571)272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan Wiehe  
Examiner  
Art Unit 3745



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11/13/06